

the bill from being used to enforce the criminal penalty provisions of the bipartisan Campaign Reform Act of 2002, provisions dealing with electioneering communications. This was debated and accepted by a voice vote.

It is my intention to ask that that vote be vacated so it can be part of the 2-minute voting process. And failing that, I will just ask that the vote be heard in the full Chamber, which would take 15 minutes. I am not trying to slip one by someone. I just simply want a rollcall vote on the floor of the House.

Why do I want a rollcall vote? I want a rollcall vote because the Supreme Court did not rule against the provision of Title II. It did not say that BCRA was unconstitutional as it related to Title II. Rather, it stated the provisions were unconstitutional as they applied to certain advertisements. This ruling means Title II will still be applied on a case-by-case basis.

Now, what did the campaign finance reform bill seek to do? It sought to do two things. One, it sought to prevent Members of Congress from raising money from corporations, labor unions, and unlimited sums from individuals in what we call "hard money."

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That meant to enforce the 1907 law that banned corporate treasury money; the Tillman Act, the 1947 law banning union dues money; the Taft-Hartley Act; and the 1974 act, the Campaign Finance Reform bill, that made it clear you could not get unlimited sums from individuals. That was one part of the legislation.

The other part of the legislation attempted to deal with hard money contributions. These are monies from corporations, from unions, dues, from individuals, unlimited sums. And the way we sought to do that was we sought to do it by saying that a candidate's name mentioned 30 days before an election, a primary, and 60 days before a general election would be deemed campaign expenditures; therefore, no so-called "soft money," the unlimited sums from individuals, corporations and labor unions, and it sought to say it had to be hard money contributions. So, Right to Life would have to raise \$5,000 from each individual, put it in a political action committee, and it could spend unlimited sums based on whatever it raised in their PAC. For instance, the NRA, it has 4 million members, raises \$10,000 from each. It could spend \$40 million up to an election. It would be hard money, not soft.

And so my point is the Supreme Court has found the campaign finance law constitutional. It had a second issue looking at these election-nearing provisions, 30 days before a primary and 60 days before general legislation, and determined the case before it, the Wisconsin Right to Life case v. the FEC, was, in fact, permitted, and, therefore, the FEC needs to rewrite its regulations.

It is my intention, Mr. Chairman, to ask for a rollcall vote, and let me just state again why I'm doing this.

I will ask for a rollcall vote. There will be a rollcall vote. The question is, should it be a 15-minute rollcall vote or a 2-minute rollcall vote. I would prefer it be part of the whole system.

Mr. Chairman, at this time, I'm asking unanimous consent that the adoption by voice of the amendment offered by the gentleman from Indiana (Mr. PENCE) be vacated, to the end that the Chair put the question *de novo*.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. FRELINGHUYSEN. Reserving the right to object, Mr. Chairman, I would like to ask Mr. SHAYS of Connecticut, who has done a good job of articulating his concerns, if we could reach out to the gentleman from Indiana as a courtesy before he proceeds.

Mr. SHAYS. I think that's fair. And I would be permitted to reoffer my motion as soon as Mr. PENCE or others have been consulted. May I have the right to reintroduce this?

The Acting CHAIRMAN. The gentleman may renew his request.

Mr. SHAYS. Mr. Chairman, I would withdraw my request at this time.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following new title:

#### TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act may be used for the East Coast Shellfish Research Institute at the East Coast Shellfish Growers Association, Toms River, New Jersey.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" is hereby reduced by \$250,000.

Mr. FLAKE. Mr. Chairman, I will be very brief here.

This amendment would simply strike \$250,000 for the East Coast Shellfish Research Institute.

We just debated an earmark a few minutes ago with regard to the textile industry, and we were told that we needed this earmark because the textile industry is in such dire straits and has been affected by international competition and incomes are down and jobs have been lost.

With regard to the shellfish industry, you have the opposite; you have an industry that is actually doing quite well. According to the East Coast Shellfish Growers Association, this is the administrative organization that would receive the earmark, there are 1,300 members of the association with a combined revenue of approximately \$80 million this last year. This revenue averages more than \$60,000 per shellfish farmer, far more than the median household income in the country. According to the U.S. Census Bureau, the median household income is around \$44,000. So we have \$60,000 in this industry as opposed to \$44,000 nationwide.

It brings up the question, if we fund earmarks to study industries or to help industries that are in dire straits and we fund earmarks to fund industries that are doing quite well, why not everything in between? What is to stop us from going ahead and funding every private industry and their associations that are represented here or elsewhere? It simply doesn't make sense to me.

According to the National Oceanic and Atmospheric Administration, the Federal agency that manages the conditions of the oceans and the atmosphere, the U.S. seafood harvest has produced increasingly higher yields since 2000. This is in addition to increased consumer demand for seafood based on new dietary guidelines.

I grew up on a cattle ranch on a farm, and I don't want anybody to accuse me of favoring beef over seafood or shellfish. I don't. I like both. But in this case, it seems to me the Congress is again picking winners and losers here. We're saying we're favoring one particular industry, be it textiles, be it shellfish, and the only way to not do that is to give earmarks to every industry out there. And I just don't think that we can. We simply can't afford that. The taxpayer needs a break here.

So, with that, Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise to strongly oppose the Flake amendment.

This year, the Congress has worked diligently to reform the earmark process and significantly increase transparency. We targeted a decade of abuse, while still protecting Members' ability to direct critical funds to important projects and to ensure they remain in the public interest. This earmark meets that obligation.

The East Coast Shellfish Research Institute is a nonprofit entity. It distributes funds to the National Oceanographic and Atmospheric Administration's Fisheries Lab in Milford, Connecticut, to conduct vital research about the shellfish industry.

I understand that the gentleman from Arizona is from a State that is landlocked. For those of us who are in Connecticut, Louisiana, South Carolina, Texas and other areas that this lab meets the needs for, we rely on a healthy shellfish industry. This is a small investment. It goes a long way and pays big dividends for this entire country. We keep the industry competitive, spurring significant sustainable growth, and strengthening communities around the country.

The Milford Lab and others performing similar research, such as Stony Brook University and the Virginia Institute of Marine Science, are national assets. They provide shellfish hatcheries with pioneering research and the tools to fight predators and disease, keep business profitable to